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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,864	01/29/2002	Steven L. Carson	10559-593001/ P12776	6910
20985	7590	10/24/2003	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER

3676

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,864

Applicant(s)

CARSON, STEVEN L.

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 10 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,087,140 to Linstromberg.

Linstromberg '140 discloses a shelf (15); a body/container (10) having an open side (20); an outer door frame (21), the frame defining an opening (opening in 21 defined by 23) and having a closed position (figure 1) in which the frame is positioned against the open side; an inner door (24); the inner door being fully removable from the outer door frame (removable from outer door frame with tools disassembling the hinge so that the door is removable from the frame); the inner door having a closed position (figure 1) in which the inner door is secured inside the opening and an open position in which the inner door is fully removed from the opening (removable from outer door frame with tools disassembling the hinge so that the door is removable from the frame).

As concerns claim 2, a double hinge for pivotally coupling the outer door frame to the body (column 2, line 34).

As concerns claims 3 and 13, the double hinge is secured at a first end to the body and at a second end to the outer door frame (since hinge connects the door frame to the body, the hinge inherently is secured at one end to the body and secured at another end to the outer door frame).

As concerns claim 7, the shelf comprises a ridge on the inner surface of the body (15).

As concerns claim 15, a bolt (26) secures the inner door inside the frame opening to the frame (26 secures the inner door to the frame).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,087,140 to Linstromberg as applied to claim 1 above in view of U.S. Patent No. 4,620,344 to Lewis Jr. and U.S. Patent No. 4,704,882 to Takasaki.

Linstromberg '140 does not disclose a bolt for the inner door having an unlocked and locked position and a keyed locking mechanism.

Lewis, Jr. '344 teaches a latch for an inner door (94).

Takasaki '882 teaches a keyed locking mechanism (4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Linstromberg '140, with a bolt/latch as taught by Lewis, Jr. '344, in order to ensure that the door will remain closed and further modified with a

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keyed locking mechanism, as taught by Takasaki '882, in order to provide increased security to the contents in the apparatus.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,087,140 to Linstromberg as applied to claim 1 above in view of U.S. Patent No. 4,132,440 to Johnson.

Linstromberg '140 does not explicitly recite the hinge attached to the top side of the body.

Johnson '440 teaches a hinge (figure 1) mounted on a top side of a door such that the door would rest on the top side of the body in a fully open position (since force is transmitted to the top of the body, therefore allowing the door to rest on the top of the body).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hinge on the top side of the door so it is connected to the top side of the body, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japiskse, 86 USPQ 70.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,087,140 to Linstromberg as applied to claim 1 above in view of U.S. Patent No. 4,704,882 to Takasaki.

Linstromberg '140 does not disclose a latch for the outer door frame.

Takasaki '882 teaches a latch (5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Linstromberg '140, with a latch, as taught by Takasaki '882, in order to ensure that the door will remain closed.

Response to Arguments

7. Applicant's arguments filed August 6, 2003 have been fully considered but they are not persuasive.

The applicant has amended the claims to recite "the inner door being fully removable from the outer door frame". The applicant argues that Linstromberg' 140 does not disclose this limitation. The examiner has addressed the new limitations in the rejections cited above. Linstromberg '140 is capable of having a multitude of positions. One of these positions may be a position wherein the door is removed from the opening in the outer door frame, wherein the door may be removed with tools disengaging the hinge, wherein the position is considered an open position.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

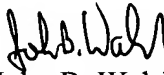
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.


John B. Walsh
Patent Examiner
Technology Center 3670

October 16, 2003